

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BIOVAIL LABORATORIES)	
INTERNATIONAL SRL)	
a corporation of Barbados,)	
)	
Plaintiff,)	C.A. No. 05-586-GMS
v.)	C.A. No. 05-730-GMS
)	C.A. No. 06-620-GMS
ANDRX PHARMACEUTICALS, LLC)	CONSOLIDATED
and ANDRX CORPORATION)	
)	
Defendants.)	

**ANDRX'S MOTION TO STRIKE THE UNTIMELY EXPERT REPORT
OF GERALD S. BRENNER, Ph.D.**

Pursuant to Fed. R. Civ. P. 37(c), Defendants Andrx Pharmaceuticals, LLC and Andrx Corporation (collectively "Andrx") hereby move to strike the (1) the "Declaration of Gerald S. Brenner" filed in support of Plaintiff Biovail Laboratories International SRL's ("Biovail's") January 19, 2007 summary judgment brief, and (2) the March 7 "Supplement to the Expert report of Gerald S. Brenner", served by Biovail. (These two documents are virtually identical, and for brevity Andrx refers herein to them collectively as "the New Brenner Report".) The grounds for this motion are set forth in Andrx's Memorandum in Support, filed herewith.

RULE 7.1.1 CERTIFICATE

I hereby certify that counsel for Andrx attempted to contact counsel for Biovail by phone and email to reach an agreement as to this motion. As of the time of this filing, Biovail had not provided a response.

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Dated: April 11, 2007
788211 / 30015

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CERTIFICATE OF SERVICE

I, Kenneth L. Dorsney, hereby certify that on April 11, 2007, the attached document was hand-delivered on the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF.

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I hereby certify that on April 11, 2007, I have Electronically Mailed the documents to the following non-registered participants:

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